

UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
FT MYERS DIVISION

CASE NO.: 13-13706-FMD  
CHAPTER 7 CASE

IN RE:

GINOU SUPRE  
AKA GINOU VINCENT  
AKA GINOU FREDERIC  
AKA GINOU SUPRE  
AKA GINOU FREDERIC SUPRE

Debtor(s).

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**MOTION FOR RELIEF FROM AUTOMATIC STAY TO ENFORCE**  
**FINAL JUDGMENT OF FORECLOSURE OBTAINED**

**NOTICE OF OPPORTUNITY TO  
OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within 21 days from the date set forth on the proof of service attached to this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 801 N. Florida Avenue, Tampa, Florida 33602, and serve a copy on the movant's attorney: Scott Weiss, Esq., 1800 North West 49<sup>th</sup> Street – Suite #120, Ft. Lauderdale, Florida 33309.

If you file and serve an objection within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the objection and may grant or deny the relief requested without a hearing. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

MOVANT, SELECT PORTFOLIO SERVICING INC, AS LOAN SERVICER FOR  
HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, IN TRUST FOR THE  
REGISTERED HOLDERS OF ACE SECURITIES CORP., HOME EQUITY LOAN  
TRUST, SERIES 2006-NC2, ASSET BACKED PASS-THROUGH CERTIFICATES, by  
and through its undersigned attorney shows the Court:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. § 362, FRBP4001 (a) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the laws of the United States of America.
2. Movant filed a foreclosure complaint against the Debtor(s) on or about October, 15, 2009 in the Circuit Court of the 12th Judicial Circuit of COLLIER County, Florida due to the Debtor(s) default under the terms of the note and mortgage securing Movant's interest in certain real property legally described as:

**LOT 39, BLOCK 12, OF NAPLES MANOR LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 3, PAGES 86 AND 87, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA**

**A/K/A: 5305-5307 BROWARD ST NAPLES, FL 34113**

3. A Final Judgment of Foreclosure ("Judgment") was entered against the Debtor on or about August 16, 2012 in the amount of \$334,774.63. See attached Exhibit A
4. According to the online property appraiser's website COLLIER County, the market value of the property is \$55,231.00. See Exhibit B attached.
5. Cause exists for relief from the automatic stay because Movant's interest in the Property is not adequately protected, or Movant's interest in the collateral is not protected by an adequate equity cushion.
6. **SELECT PORTFOLIO SERVICING INC, AS LOAN SERVICER FOR HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC2, ASSET BACKED PASS-THROUGH CERTIFICATES**, requests, that fourteen (14) days stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001 (a)(3) is waived and bankruptcy fees and cost of \$726.00, so that **SELECT PORTFOLIO SERVICING INC, AS LOAN SERVICER FOR HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, IN TRUST**

**FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC2, ASSET BACKED PASS-THROUGH CERTIFICATES**, can pursue its in rem remedies without further delay.

7. Movant requests permission to offer the Debtor(s) information regarding a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other loan workout/ loss mitigation Agreement, and may enter into such agreement with Debtor(s) without violating any Discharge Order. However, Movant may not enforce any personal liability against Debtor(s) if Debtor(s) personal liability is discharged in this bankruptcy case.
8. Movant requests that should the Debtor(s) convert this case to another chapter that relief awarded will survive any conversion made by the Debtor(s) and will not be allowed to include the creditor in the Chapter 13 plan.

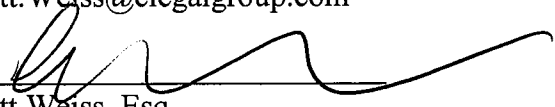
**WHEREFORE**, Movant, **SELECT PORTFOLIO SERVICING INC, AS LOAN SERVICER FOR HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC2, ASSET BACKED PASS-THROUGH CERTIFICATES**, moves this Court to enter its order granting relief from stay to Movant and that the fourteen (14) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001(a)(3) is waived and award bankruptcy fees and cost of \$726.00 so that, **SELECT PORTFOLIO SERVICING INC, AS LOAN SERVICER FOR HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP., HOME EQUITY LOAN TRUST, SERIES 2006-NC2, ASSET BACKED PASS-THROUGH CERTIFICATES**, can pursue its in rem remedies without further delay and that the Movant may offer and

provide Debtor(s) with information re: a potential Forbearance agreement, Loan Modification, Refinance Agreement and may enter into such agreement with Debtor(s) without violating any Discharge Order, and for any further relief this Court deems just and proper. However, Movant may not enforce any personal liability against Debtor(s) if Debtor(s) personal liability is discharged in this bankruptcy case and granting such other relief as to the Court may deem just and proper.

I HEREBY CERTIFY that a true and correct copy of the Motion For Relief From Stay to Enforce the Final Judgment of Foreclosure was delivered to the addressees on the attached mailing list by First Class U. S. Mail postage pre-paid and/or electronic mail this 8 day of November, 2013.

Choice Legal Group, P.A.

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By:   
Scott Weiss, Esq.  
Bar Number: 710910

Mailing List for Bankruptcy Case No:13-13706-FMD

U.S. TRUSTEE  
UNITED STATES TRUSTEE – FTM7/13  
TIMBERLAKE ANNEX, SUITE 1200  
501 E POLK STREET SUITE 1200  
TAMPA, FL 33602

***Trustee***

**Robert E Tardif, Jr.**

Trustee  
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